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9 *Attorneys for the United States of America*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

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13 UNITED STATES OF AMERICA,

14 Plaintiff

15 v.

16 NADIR MIR,

17 Defendant.

Case No. 2:19-mj-557-CWH

**GOVERNMENT'S MOTION FOR
MAGISTRATE COURT TO PERMIT
TELEPHONIC ATTESTATION OF
COMPLAINT UNDER FED. R. CRIM. P.
4.1(A) AND (B)(2)(A) AND LOCAL
CRIMINAL RULE 4-1**

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19 The United States of America, by and through NICHOLAS A. TRUTANICH, United
20 States Attorney, and Rebecca Clinton, Assistant United States Attorneys, respectfully moves
21 this Honorable Court pursuant to Federal Rule of Criminal Procedure 4.1(a) and (b)(2)(A) and
22 Local Criminal Rule 4-1(a) and (b) for the Court to permit attestation of the complaint by the
23 affiant by telephone.
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1 Rule 4.1(a) provides that “[a] magistrate judge may consider information communicated
2 by telephone or other reliable electronic means when reviewing a complaint or deciding
3 whether to issue a warrant or summons.” Rule 4.1(b)(2)(A) provides the procedure when the
4 testimony to be considered is limited to attestation of the contents of a written affidavit alone.
5 It provides that “[i]f the application does no more than attest to the contents of a written
6 affidavit submitted by reliable electronic means, the judge must acknowledge the attestation in
7 writing on the affidavit.” Fed. R. Crim. P. 4.1(b)(2)(A).

8 LCR 4-1(a) provides that the consideration of information related to a complaint
9 communicated by telephone is at the discretion of the court. Pursuant to LCR 4.1(b), the affiant
10 for the complaint is Erin Brantley, Special Agent with the Federal Bureau of Investigation
11 (FBI). Agent Brantley is physically located in the Northern District of Illinois.

12 The complaint submitted for attestation to the Court charges Nadir Mir with health care
13 fraud in violation of Title 18, United States Code, Section 1347. More specifically, the
14 complaint alleges that Mir has knowingly and willfully defrauded the Medicare program by
15 misrepresenting the ownership and control of Hope Home Health, LLC, and then causing to be
16 submitted claims for reimbursement of home health services allegedly provided to Medicare
17 beneficiaries, which claims would not have been paid had Medicare been aware of Mir’s
18 misrepresentations as to the ownership and control of Hope Home Health, LLC, and
19 fraudulently obtained money from the Medicare program.

20 The government requests that the Court consider the attestation telephonically because
21 the investigation giving rise to the complaint is multi-jurisdictional and has been carried out
22 over several months by agents located in the Northern District of Illinois and because Nadir

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1 Mir is currently in custody in the Central District of California and is awaiting an initial
2 appearance in that district.

3 DATED this 30th day of July, 2019.

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5 Respectfully submitted,

6 NICHOLAS A. TRUTANICH
7 United States Attorney

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9 REBECCA CLINTON
10 Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
-oOo-

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 NADIR MIR,

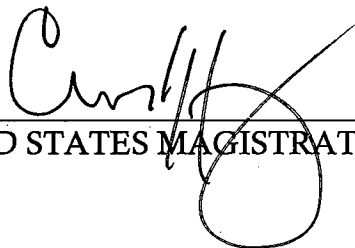
7 Defendant.

Case No. 2:19-mj-557-CWH

**ORDER FOR MAGISTRATE COURT TO
PERMIT TELEPHONIC ATTESTATION
OF COMPLAINT UNDER FED. R.
CRIM. P. 4.1(A) AND (B)(2)(A) AND
LOCAL CRIMINAL RULE 4-1**

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9 Based on the Motion of the government, and pursuant to Federal Rule of Criminal
10 Procedure 4.1(a) and (b)(2)(a) and Local Criminal Rule 4-1, the Court permits attestation of the
11 complaint by Agent Brantley by telephone.

12 DATED this 30th day of July, 2019.

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15 UNITED STATES MAGISTRATE JUDGE
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